

## **REMARKS/ARGUMENTS**

The Office Action mailed August 14, 2006 has been reviewed and carefully considered. Claims 1-7 and 9-12 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

### **Claim Amendments**

Claim 1 is amended to recite “said end being received through a through-hole defined in a mounting bearing for connecting the piston-cylinder unit to a support and such that said end projects out of a distal side of said bearing relative to said cylinder” and “said flow connection passing through the section of said piston rod received through said bearing to an opening defined in said end which projects out of said distal side of said bearing”. Support for this amendment is found in paragraph 0004 of the specification and Fig. 1.

Dependent claim 5 is amended to depend from claim 4.

Dependent claim 12 is amended to more clearly define the collar. Support for this amendment is found at paragraph 0014 and in Fig. 3.

### **Rejection of Claim 5 under 35 U.S.C. §112**

Claim 5 is amended to depend from claim 4 which has proper antecedent basis for “said upper attachment”. Accordingly, the rejection of claim 5 under 35 U.S.C. §112, should now be withdrawn.

### **Rejection of Claims under 35 U.S.C. §§102 and 103**

Claims 1, 2, 3, 6, 7, 9, and 10 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 2,458,157 (Funkhouser).

Claims 4, 5, 11, and 12 stand rejected under 35 U.S.C. §103 as unpatentable over Funkhouser in view of U.S. Patent No. 6,332,602 (Oishi).

Independent claim 1 is amended to recite “said flow connection passing through the section of said piston rod received through said bearing to an opening defined in said end which projects out of said distal side of said bearing”. The Examiner has indicated that lug 34 of Funkhouser is considered to be the claimed bearing. However, the piston rod of Funkhouser does not have an end that passes through the bearing. In contrast, Funkhouser discloses that the end of a hollow piston rod is received in a blind hole in the lug 34. The lug 34 has a further bore 36 which connects the blind hole with the atmosphere. Since the piston rod opens inside of the lug 34 and is connected to the atmosphere through the bore 36, Funkhouser fails to disclose “said flow connection passing through the section of said piston rod received through said bearing to an opening defined in said end which projects out of said distal side of said bearing”, as expressly recited in independent claim 1. Accordingly, independent claim 1 is not anticipated by Funkhouser.

Furthermore, this limitation is also not taught or suggested by Funkhouser. As stated above, the piston rod of Funkhouser does not extend through the lug 34. Furthermore, it would be difficult to implement a through hole for receiving the piston rod through the lug 34, because the lug has a hole 35 for receiving a bolt or other connection means. Furthermore, the prior art does not provide any motivation for the above limitation because only the present invention discloses that problem of the dirty air in the wheel well. Accordingly, independent claim 1 is also not obvious in view of Funkhouser under 35 U.S.C. §103.

Dependent claims 2-7 and 9-12, are allowable for the same reasons as is independent claim 1, as well as for the additional recitations contained therein.

Regarding claim 10, the Examiner states that hole 42 is a weep hole. However, hole 42 is a hole in the wall of the hollow piston rod. Thus, the hole 42 can not be considered to be a weep hole of the bellows as recited in independent claim 10.

Regarding claim 12, the claim has been amended to clearly recite "a collar surrounding said bead and which extends radially from said bead, said collar having a radially outer edge portion that is loaded axially against the cylinder". The Examiner states that Oishi discloses the claimed collar. However, the collar referred to by the Examiner does not have a radially outer edge loaded against the cylinder. In contrast, Oishi discloses that the bellows are mounted between coil flange 52, 54 and that a shock absorber 50 projects through the coil flanges 52, 54 (see Fig. 1 and col. 4, lines 9-12). Thus, the bellows of Oishi does not have a collar loaded axially on the cylinder. Accordingly, claim 12 is allowable over Funkhouser in view of Oishi for these additional reasons.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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